

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JACKIE AND MARLA WRIGHT,

Plaintiffs,

v.

**STATE FARM FIRE & CASUALTY
COMPANY,**

Defendant.

No. CIV-17-882-HE

State Court Case No.

CJ-2017-93 District Court of

Lincoln County

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant State Farm Fire and Casualty Company, (“State Farm”) hereby removes this action from the District Court of Lincoln County, Oklahoma, where it was filed as Case No. CJ-2017-93, to the United States District Court for the Western District of Oklahoma. As the grounds for removal, State Farm states as follows:

1. On July 18, 2017, Plaintiffs Jackie and Marla Wright commenced an action against Defendant State Farm in the District Court of Lincoln County, in the State of Oklahoma, titled *Jackie and Marla Wright v. State Farm Fire & Casualty Company*, Case No. CJ-17-93 (the “State Court Action”).

2. State Farm received summons through the Oklahoma Insurance Department on July 21, 2017.

3. State Farm is filing this notice of removal within the 30-day period provided by 28 U.S.C. § 1446(b).

4. Pursuant to 28 U.S.C. § 1446(a) and Local Rule LCvR 81.2, State Farm has attached as exhibits to this Notice of Removal true and legible copies of all documents filed or served in the State Court Action. A copy of the Docket Sheet from the State Court Action is attached as Exhibit 1. A copy of the Petition, filed July 18, 2017, is attached as Exhibit 2, a copy of the issued summons is attached as Exhibit 3, and a copy of State Farm's Special Entry of Appearance is attached as Exhibit 4. At the time of filing this Notice of Removal there have been no other filings or proceedings in the State Court Action except those attached as Exhibits 2 through 4.

Diversity Jurisdiction

5. Plaintiffs allege that they reside in Lincoln County, Oklahoma. Ex. 2, Pet., ¶ 1.

6. State Farm is and was at the time of filing the Petition a citizen of Illinois. *See* 28 U.S.C. § 1332(c) ("For the purposes of this section and section 1441 of this title...a corporation shall be deemed a citizen of every State and foreign state by which it has been incorporated and the State or foreign state where it has its principal place of business...."). State Farm is a corporation incorporated under the laws of Illinois with its principal place of business in Bloomington, Illinois. Thus, there is complete diversity of citizenship between the Plaintiffs and Defendant.

7. Plaintiffs further allege that their actual damages exceed \$75,000.00. *See* Ex. 2, Pet., p. 2 ("[T]he plaintiffs pray for judgment against the defendant for actual damages in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code[.]").

8. Accordingly, the requirements for diversity jurisdiction are satisfied.

Venue and Notice

9. Venue is appropriate in this Court, as this Court is in the district in which the State Court Action was pending.

10. Written notice of the filing of this Notice of Removal will be given promptly to counsel for Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the Lincoln County District Court, as required by 28 U.S.C. § 1446(d).

Accordingly, State Farm removes all claims in the State Court Action from the District Court for Lincoln County, Oklahoma, to the United States District Court for the Western District of Oklahoma.

Dated: August 17, 2017

Respectfully submitted,

s/ Mia Vahlberg

Mia Vahlberg, OBA No. 20357
Katherine E. McDonald, OBA No. 32064
GABLEGOTWALS
1100 ONEOK Plaza
100 West Fifth Street
Tulsa, Oklahoma 74103
Telephone (918) 595-4800
Facsimile (918) 595-4990
mvahlberg@gablelaw.com
kmcdonald@gablelaw.com

**COUNSEL FOR DEFENDANT
STATE FARM FIRE AND CASUALTY CO.**

CERTIFICATE OF MAILING

I do hereby certify that on August 17, 2017, a true, correct and exact copy of the NOTICE OF REMOVAL was served by U.S. first class mail to those parties listed below:

Michael D. Lewis
LAW OFFICE OF MICHAEL D. LEWIS
6116 N.W. 63rd Street, Suite 100
Oklahoma City, Oklahoma 73132

s/Mia Vahlberg

Mia Vahlberg